

EXHIBIT 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRIAN DOUGLAS LARSON, on)
behalf of himself and all)
others similarly situated,)
Plaintiff,)
vs.) No. 3:12-cv-05726-
TRANS UNION, LLC,) WHO
Defendant.)
_____)

VIDEOTAPED DEPOSITION OF BRIAN DOUGLAS LARSON
Irvine, California
Friday, December 12, 2014
Volume I

Reported by:
STACEY E. STOWELL
CSR No. 12926
JOB No. 1963181

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1 Q -- language, correct? 10:51

2 A Yes. I asked, "What does it mean?" 10:51

3 Q And this was on October 26th, 2011? 10:51

4 A Yeah. 10:51

5 Q The same day you received and reviewed the 10:51

6 report? 10:51

7 A No, I don't -- no, it was -- it might have 10:51

8 been the day -- a day after. 10:51

9 Q Okay. 10:51

10 A It might have been. 10:51

11 I'm not -- I know -- I remember talking, but I 10:51

12 don't remember exactly what hour, what's -- you know, it 10:51

13 was within the context of a week. I could -- that's the 10:51

14 best of my knowledge. 10:51

15 Q What exactly did you -- 10:51

16 So you spoke to a Trans Union 10:51

17 representative -- 10:51

18 A Yes. 10:51

19 Q -- correct? 10:51

20 A Yes -- 10:51

21 Q And what -- 10:51

22 A -- and took notes. 10:51

23 Q And what exactly did you tell the 10:51

24 representative or ask the representative about this 10:51

25 OFAC -- I'm going to call it the OFAC Header. Okay? 10:52

1 This language on LARSON, page 0 -- LARSON 0016. 10:52

2 What exactly did you tell the Trans Union 10:52

3 representative about this OFAC Header? 10:52

4 A I asked him, "What does this mean -- possible 10:52

5 OFAC match?" And vaguely -- I don't have a real 10:52

6 recollection of what she said -- or the person said. 10:52

7 It was more or less a service that was 10:52

8 required by law, that they were bound to -- or something 10:52

9 like that. In other words, there was some kind of law 10:52

10 that states because of the 2011 -- or 2001, 10:52

11 September 11th, that it's -- it's -- for that reason. 10:52

12 Q Do you remember who you spoke to at Trans 10:53

13 Union? 10:53

14 A Not -- not too well. I don't remember. 10:53

15 Q But you said you kept notes of that 10:53

16 conversation -- 10:53

17 A Yeah. 10:53

18 Q -- correct? 10:53

19 A I turned it over to the attorney. I forgot 10:53

20 the name of the person. But I wrote down all the 10:53

21 information I could. 10:53

22 MR. YOO: David, could you search your files 10:53

23 for those notes, please -- 10:53

24 MR. SEARLES: Yeah. 10:53

25 MR. YOO: -- because I don't think we've 10:53

1 A Uh-huh. 10:55

2 Q -- represents a printout of the OFAC search 10:55

3 that you conducted on October 26th, 2011; is that 10:55

4 correct? 10:56

5 A That's correct. 10:56

6 Q And you typed in your name Brian Douglas 10:56

7 Larson, and that resulted in 22 hits, correct? 10:56

8 I'm just reading from the first page. 10:56

9 A More or less. I think it was 1 -- 31, or it 10:56

10 could have been 22. 10:56

11 Q Based on the results of this search, did you 10:56

12 have any reason to believe that you were actually a 10:56

13 possible match to somebody on the OFAC list? 10:56

14 A Yes. 10:56

15 Q Can you point to which of the results caused 10:56

16 you that concern? 10:56

17 A The only thing that I saw was the name -- the 10:56

18 word -- the middle name Douglas. That was the only 10:56

19 adjoining factor that was relevant to these -- to this 10:56

20 printout. 10:57

21 Q But do you see the name Brian Douglas Larson 10:57

22 in any of these 22 results -- or even the name 10:57

23 Brian Larson? 10:57

24 A All I see is Douglas. 10:57

25 Q And is the word Douglas connected in any way 10:57

1 to Brian or Larson in any of these entries? 10:57

2 Or is it mentioned -- 10:57

3 A No. 10:57

4 Q -- in the same entry? 10:57

5 A No. 10:57

6 Q Okay. And despite the fact that the words 10:57

7 "Brian" and "Larson" do not show up in any of these 10:57

8 22 hits, this still causes you concern that you were a 10:57

9 potential match to somebody on the OFAC list; is that 10:57

10 correct? 10:57

11 A Yes. 10:57

12 Q Okay. 10:57

13 A That others might see this documentation, and 10:57

14 it may cause missed opportunities for me. 10:58

15 Q What do you mean by "missed opportunities"? 10:58

16 A If this being a potential employment 10:58

17 opportunity or a credit opportunity or a banking 10:58

18 opportunity, I was concerned that even having to -- to 10:58

19 be associated with OFAC, Office of Foreign Asset 10:58

20 Control, would cause undue or misstated or mis- -- 10:58

21 miscommunication and -- upon my name. 10:58

22 Q As we sit here today, Mr. Larson, do you still 10:58

23 believe that you are a potential match to somebody on 10:58

24 the OFAC list? 10:58

25 A Yes. 10:59

1 Q And you said that when you initially read this 10:59
2 OFAC Header, you didn't really understand what it meant, 10:59
3 correct? 10:59
4 A Correct. 10:59
5 MR. YOO: Can we take another quick 10:59
6 five-minute break, please? 10:59
7 THE VIDEOGRAPHER: Going off the record. 10:59
8 The time is 10:59 a.m. 10:59
9 (Recess.) 10:59
10 THE VIDEOGRAPHER: Back on the record. 11:10
11 The time is 11:10 a.m. 11:10
12 BY MR. YOO: 11:10
13 Q Thank you, Mr. Larson. 11:10
14 Can I have you look, again, at Exhibit C, 11:10
15 please. 11:11
16 A (Witness complies.) 11:11
17 Q Now, you previously testified that in or about 11:11
18 August of 2011, you had a line of credit closed by Wells 11:11
19 Fargo, correct? 11:11
20 A Uh-huh, yes. 11:11
21 Q Can you point that out on your October 26th, 11:11
22 2011, report? And take your time. 11:11
23 MR. SEARLES: Objection to the form. Point 11:11
24 out what? 11:11
25 You can answer. 11:11

1	A On the Internet, after I clicked on	11:22
2	Trans Union's link here at the bottom of this header, it	11:22
3	took me to this page here, which then I put my name in,	11:22
4	which put out this information. I became very	11:22
5	concerned.	11:22

6	So immediately, I did several searches about	11:22
7	OFAC, and people like Francis & Mailman and other	11:22
8	attorneys came up on the Internet, and I chose to call	11:22
9	their toll-free number -- Francis & Mailman --	11:22

10	Q	Okay.	11:23
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11	A -- at that time to discuss what OFAC is -- or	11:23
12	what OFAC search is or how it's reported.	11:23

13	Q Mr. Larson, did you ultimately submit this	11:23
14	complaint marked as Exhibit F to the FTC?	11:23

15	A	Yes.	11:23
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16	Q	Did you ever receive a response?	11:23
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17	A	No.	11:23
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18	Q	To this day, you have not received a response?	11:23
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19	A No.	11:23
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20	Q	Have you followed up with them?	11:23
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21	A	Yeah. I called them one time, and they didn't	11:23
22		have any information on the claim -- on the claim I	11:23
23		made, the claim number.	11:23

24	Q	You mean they couldn't even find the claim	11:23
25		number?	11:23

1 A No. 11:23

2 Q So it's as if they never received this? 11:23

3 A Exactly. 11:23

4 Q That's what they claimed? 11:23

5 A That's what they claimed. 11:23

6 Q Did you ever contact any other government 11:23

7 agency? 11:23

8 A Yes. I called OFAC and left a message. 11:23

9 Q So you contacted them by telephone? 11:24

10 A That's correct. 11:24

11 Q Did you ever hear back from OFAC? 11:24

12 A Yes, I did. 11:24

13 Q Oh, you did? 11:24

14 A Yes. They left a message on my machine. I 11:24

15 don't have that electronic information. But it states 11:24

16 to the effect that I should contact the credit reporting 11:24

17 agency that had reported this. 11:24

18 Q And is that why you contacted Trans Union, or 11:24

19 did you get that message -- 11:24

20 A This message -- 11:24

21 Q Okay. 11:24

22 A Yeah, later on. This is -- I'm not sure 11:24

23 exactly, but it was definitely after the printout -- 11:24

24 Q Okay. 11:24

25 A -- of this information. 11:24

1 annualcreditreport.transunion.com, correct? 11:31

2 A Yes. It's partial. It's missing pages. 11:31

3 Q What was your reason for requesting this 11:32

4 credit report? 11:32

5 A Usually, I do -- once a year or twice a year, 11:32

6 I'll get a report -- 11:32

7 Q Okay. 11:32

8 A -- just so I can either dispute or maintain my 11:32

9 credit and FICO score. 11:32

10 Q Just to make sure things are in order -- 11:32

11 A Yeah. 11:32

12 Q -- more or less? 11:32

13 A Yeah. 11:32

14 Q Okay. And do you see the OFAC Header on this 11:32

15 credit report? 11:32

16 A No. 11:32

17 Q Mr. Larson, were you harmed in any way by the 11:32

18 inclusion of the OFAC Header in your October 26, 2011, 11:32

19 credit report? 11:32

20 A In what way? 11:32

21 Q How did it affect you? How did it make you 11:32

22 feel? 11:32

23 A Distressed; that I could have been 11:32

24 misrepresentative [sic] of my integrity or character 11:33

25 along with the potential for employment opportunities or 11:33

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1 other background check information. That was a fear 11:33
2 that I -- that was running through my mind. 11:33
3 Q Do you have any reason to believe that you 11:33
4 were actually denied credit or an employment 11:33
5 opportunity -- 11:33
6 A I don't have a -- 11:33
7 Q Sorry. Let me finish my question. 11:33
8 A Okay. 11:33
9 Q Do you have any reason to believe that you 11:33
10 were denied credit or an employment opportunity or 11:33
11 suffered any other adverse consequences based on the 11:33
12 OFAC Header? 11:33
13 A I don't have any proof that I was -- I was 11:33
14 denied employment because of it or denied credit because 11:34
15 of it. 11:34
16 Q Do you have any reason to believe that any 11:34
17 third party even saw the OFAC Header on your credit 11:34
18 report? 11:34
19 A Yes. Because if I saw it on there, obviously 11:34
20 it was available to other people or other businesses or 11:34
21 other entities. 11:34
22 Q So that is your understanding; that it -- 11:34
23 A That's my -- 11:34
24 Q -- was available -- 11:34
25 A -- understanding. 11:34

1 record the portion of the letter under "Re: Need 11:49
2 Additional Information"? 11:49
3 A "Our records show that Trans Union has 11:49
4 provided you with a consumer disclosure free of charge 11:49
5 pursuant to the FACT Act within the past 12-month 11:49
6 period. If you would like to receive additional 11:49
7 consumer disclosure, please complete the attached form 11:49
8 and provide payment in the amount of \$8." 11:49
9 Q Okay. That's fine. Thank you. 11:49
10 So is it fair to say that in the 12 months 11:49
11 prior to the date of this letter, you had made another 11:49
12 request to Trans Union for a free credit report? 11:49
13 A I don't remember. 11:50
14 Q Mr. Larson, can you explain why you believe 11:50
15 you are a suitable class representative in this case? 11:50
16 A In my belief system, you're (unintelligible.) 11:50
17 THE REPORTER: I'm sorry? 11:50
18 THE WITNESS: -- you're to love one another, 11:50
19 because I believe in Jesus Christ. And I think that 11:50
20 everyone -- every person deserves to have treatment -- 11:50
21 right treatment. And when one is hurt, they all hurt. 11:50
22 And so I don't think of myself as the only 11:51
23 person here. I think of others. And if this hurt me, 11:51
24 it might hurt them. And if somehow practices could 11:51
25 change that would help other people, if one is hurt and 11:51

1 learn from that hurt, then society would be a better 11:51
2 place. 11:51
3 BY MR. YOO: 11:51
4 Q Mr. Larson, do you know of any other 11:51
5 individual besides yourself, who claims that they were 11:51
6 harmed by the inclusion of an OFAC Header on their 11:51
7 credit report? 11:52
8 A Yes. 11:52
9 Q And who is that? 11:52
10 A Sandra Cortez. 11:52
11 Q Just to clarify, Mr. Larson, I'm referring to 11:52
12 Exhibit C, the OFAC Header. 11:52
13 Would you mind turning to that, please? 11:52
14 A (Witness complies.) 11:52
15 Q Page 15 of 17, in Exhibit C. I'm referring 11:52
16 specifically to the language that says, "The OFAC 11:52
17 Header -- The OFAC record that is considered a potential 11:52
18 match to the name on your credit file is:" and with a 11:52
19 blank space underneath it. 11:52
20 Do you have any reason to believe that that's 11:52
21 what Sandra Cortez saw in her Trans Union credit report? 11:53
22 A I don't know. All I can show you is that 11:53
23 there's a link that provides a place to go to, to 11:53
24 research a person's name from a list. 11:53
25 Q And other than Sandra Cortez and yourself, are 11:53

1 you aware of any other individuals who were harmed by 11:53
2 the inclusion of the OFAC Header in their credit report? 11:53
3 A Personally, no. 11:53
4 Q Okay. Okay. Mr. Larson, are you prepared to 11:53
5 be present at a multi-day trial in this action? 11:53
6 A Yes. 11:53
7 Q And do you keep yourself informed of what's 11:53
8 going on in this case? 11:53
9 A With legal counsel, yes. 11:53
10 Q Okay. How often do you -- 11:53
11 Do you receive updates from legal counsel? 11:53
12 MR. SEARLES: And for the record, I have to 11:54
13 instruct you, you're not allowed to testify concerning 11:54
14 any communications between you and your attorney. 11:54
15 But you can answer the question. 11:54
16 THE WITNESS: As often as possible. 11:54
17 BY MR. YOO: 11:54
18 Q And if you can just give me an estimate, about 11:54
19 how often? 11:54
20 A I can't give you a regular Hail Mary. It 11:54
21 could -- it could be a week. It could be a month. It 11:54
22 could be -- 11:54
23 Q Maybe once a week; maybe once a month? 11:54
24 A Could be. Could be, depending on what they 11:54
25 keep me abreast of, what the issues are of the case. 11:54

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
6 testifying, were placed under oath; that a verbatim
7 record of the proceedings was made by me using machine
8 shorthand which was thereafter transcribed under my
9 direction; further, that the foregoing is an accurate
10 transcription thereof.

11 I further certify that I am neither
12 financially interested in the action nor a relative or
13 employee of any attorney of any of the parties.

14 IN WITNESS WHEREOF, I have this date
15 subscribed my name.

16 Dated: December 15, 2014
17
18
19
20

21 _____
22 Stacey E. Stowell, CSR

23 Certificate Number 12926
24
25